

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	RAQUEL LIA CHAN	CONF. NO.	2792
SERIAL NO.:	10/520,033	ART UNIT:	1638
FILING DATE:	12/30/2004	EXAMINER:	KUMAR, VINOD
TITLE:	TRANSCRIPTION FACTOR GENE INDUCED BY WATER DEFICIT CONDITIONS ...		
ATTORNEY DOCKET NO.:	101141-21		
CUSTOMER NO.:	021001		

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE

## I. INTRODUCTION

This is in response to the Office Action mailed October 30, 2007 in regard to the above-identified patent application. This response is being filed within the period for response.

## **II. *Election/Restrictions***

In accordance with 37 CFR 1.499, the examiner has required applicant to elect a single invention to which the claims are restricted because, according to the examiner, this application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claim(s) 1-21, drawn to an isolated nucleic acid molecule encoding the transcription factor Hahb-4, a vector, host cell, transgenic plant or a method of producing a water-stress tolerant transgenic plant comprising said nucleic acid molecule, or wherein said nucleic acid molecule is defined in SEQ ID NOs: 1 or 2.

Group II, claim(s) 22-29, and 32-40, drawn to an isolated nucleic acid molecule comprising a promoter, a construct, host cell, transgenic plant, or a method for obtaining a transgenic plant, or wherein said promoter sequence is defined in SEQ ID NO: 3.

Group III, claim(s) 22-29, and 32-40, drawn to an isolated nucleic acid molecule comprising a promoter, a construct, host cell, transgenic plant, or a method for obtaining a transgenic plant, or wherein said promoter sequence is defined in SEQ ID NO: 10.

Group IV, claim(s) 30-31, drawn to a method

for expressing at least one protein of interest  
in a host cell, comprising SEQ ID NO: 3.

Group V, claim(s) 30-31, drawn to a method  
for expressing at least one protein of interest  
in a host cell, comprising SEQ ID NO: 10.

The examiner states that the inventions listed as Group I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features because the technical feature linking Groups I-V appears to be a nucleic acid sequence encoding Hahb-4 transcription factor and Chan et al. (NCBI, GenBank Sequence Accession No. AF339748, Published March 26, 2001) teach a nucleic acid sequence encoding Hahb-4 transcription factor. Also Gago et al. (NCBI, GenBank Sequence Accession No. AF339749, Published March 26, 2001) teach Hahb-4 gene promoter region. The examiner emphasizes that a fragment of SEQ NO: 1 or SEQ ID NO: 2 reads on a nucleic acid sequence encoding any Hahb-4 transcription factor protein.

Applicants elect Group I for further prosecution.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 14-1263.

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Respectfully submitted,

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